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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 ERIC R. TOWNSEL,) CASE NO. C07-0482-JLR-MAT
09 Plaintiff,)
10 v.) ORDER RE: PLAINTIFF'S MOTION
11 KEN QUINN, et al.,) TO AMEND COMPLAINT
12 Defendants.)
13 _____)

14 This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiff has filed a motion
15 to amend his complaint. Plaintiff's motion to amend is accompanied by seventeen separate
16 proposed amended complaints, a declaration in support of his motion to amend, and some
17 grievance forms that are apparently intended as exhibits. Defendants have filed a motion seeking
18 an extension of time to respond to plaintiff's voluminous amended complaint. Also pending before
19 the Court at the present time is defendants' motion to dismiss plaintiff's complaint.
20 Defendants' argue in their motion to dismiss that plaintiff fails to allege in his complaint any
21 violation of a federal constitutional right by any of the named defendants. They further argue that
22 if plaintiff were to have any claim it would be one of negligence which is insufficient to state a

01 constitutional violation.

02 In fact, plaintiff does not specifically allege any federal constitutional violation in his
03 original civil rights complaint, nor does he allege in his original complaint sufficient facts to clearly
04 demonstrate that the conduct of defendants violated any federally protected right. A review of the
05 papers submitted by plaintiff in conjunction with his motion to amend suggest that plaintiff,
06 through amendment, may be able to correct some of the deficiencies identified by defendants' in
07 their motion to dismiss and/or to present cognizable claims which are sufficiently related to
08 plaintiff's original claims to warrant inclusion in the instant action. However, the Court will not
09 consider plaintiff's motion to amend his complaint until he presents the Court with a proper
10 proposed amended complaint.

11 As noted above, plaintiff has submitted to the Court seventeen separate complaint forms.
12 Each complaint form sets forth, in a conclusory fashion, plaintiff's allegations against a single
13 defendant. The specific facts which would appear to support the allegations contained in the
14 various complaint forms are set forth in plaintiff's declaration. If plaintiff wishes to have the Court
15 consider his motion to amend, he must submit to the Court, in a single document, a proposed
16 amended complaint which sets forth all of his claims against all of the intended defendants.

17 Accordingly, the Court does hereby find and ORDER as follows:

18 (1) Plaintiff shall file and serve, not later than ***October 15, 2007***, a proper proposed
19 amended complaint.

20 (2) Plaintiff should keep the following principles in mind in preparing his proposed
21 amended complaint:

22 (a) In order to sustain a civil rights action, a plaintiff must show (1) that he suffered

01 a violation of rights protected by the Constitution or created by federal statute, and (2) that the
02 violation was proximately caused by a person acting under color of state or federal law. *See*
03 *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). To satisfy the second prong, a plaintiff
04 must allege facts showing how individually named defendants caused or personally participated
05 in causing the harm alleged in the complaint. *See Arnold v. IBM*, 637 F.2d 1350, 1355 (9th Cir.
06 1981). Thus, in order to adequately allege a cause of action, plaintiff must clearly identify each
07 intended defendant, he must specifically allege the federal constitutional right he believes was
08 violated by each defendant, and he must set forth specific facts which support each claimed
09 violation. All intended defendants must be clearly identified both in the caption of the complaint
10 and in the body of the complaint.

11 (b) A defendant cannot be held liable solely on the basis of supervisory responsibility
12 or position. *Monell v. Department of Social Servs., of City of New York*, 436 U.S. 658, 691-694
13 (1978). Rather, a plaintiff must allege that a defendant's own conduct violated the plaintiff's civil
14 rights. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 385-90 (1989). Thus, as to the supervisory
15 officials identified by plaintiff, plaintiff must allege specific facts demonstrating that these
16 individuals personally participated in causing him harm of constitutional dimension.

17 (3) Plaintiff's motion to amend his complaint (Dkt. No. 38) is RE-NOTED on the
18 Court's calendar for consideration on **November 2, 2007**. Defendants shall file a response to
19 plaintiff's motion to amend not later than **October 29, 2007**. Plaintiff may file any reply brief in
20 support of his motion to amend not later than **November 2, 2007**. Should plaintiff fail to timely
21 file a proposed amended complaint, the Court will deny plaintiff's motion to amend and will
22 proceed to issue its ruling on defendants' motion to dismiss.

01 (4) Defendants' motion to dismiss (Dkt. No. 26) is RE-NOTED for consideration on
02 *November 2, 2007*.

03 (5) Defendants' motion for an extension of time to file a response to plaintiff's motion
04 to amend (Dkt. No. 39) is STRICKEN as moot.

05 (6) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants, and
06 to the Honorable James L. Robart.

07 DATED this 14th day of September, 2007.

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09 Mary Alice Theiler
10 United States Magistrate Judge
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